

IN2001.00010

Maly's West
1475 South 5070 West
Salt Lake City, Utah 84104
UTR 000011197

SMALL QUANTITY HAZARDOUS WASTE GENERATOR
COMPLIANCE EVALUATION INSPECTION

October 13, 2010

HAZARDOUS WASTE INSPECTION REPORT

Facility	Maly's West
Date	October 13, 2010
Facility Address	5070 West 1475 South Salt Lake City, Utah 84104
EPA ID Number	UTR000011197
Facility Contact	Joe Escudero, Site Manager Environment, Health and Safety Manager
Phone	801-972-3599 Ext 101
Facility Status	Small Quantity Generator (SQG)
Notification	Generator
Applicable Regulations	R315 of the Utah Administrative Code
Type of Inspection	SQG Compliance Evaluation Inspection (CEI)
Participants	Eric Baiden (Team Leader), DSHW Ed Deputy, DSHW Joe Escudero (Maly's West)
Time In	11 00 a m
Time Out	12 30 p m
Weather Conditions	Fair, 53°F
Report Prepared by	Eric Baiden

Facility Description

Maly's West is a SalonCentric Company and does business in Utah as Maly's West. It is a leading distributor of cosmetic and grooming products across the country and it is located on the west side of Salt Lake City Utah at a new facility. It has created a new expanded network which allows them to offer the next level in customer dedication and support.

Credentials, Purpose, and Scope

The CEI Inspectors met with Joe Escudero of the company in his Salt Lake office and presented credentials. We were escorted to a conference room to begin the inspection process. Inspectors explained to Mr. Escudero that the purpose of the inspection was to evaluate the facility's hazardous waste management practices for compliance with Utah administrative code R315 hazardous waste rules.

Facility Inspection, Waste Streams and Waste Management.

It was communicated to the group the order that the inspection would proceed. Mr. Escudero presented an overview of the processes and activities that generate hazardous waste at the facility. After the overview, the inspection proceeded by first taking a walk through the facility to examine waste generation areas, waste storage areas, and safety equipment requirements for the facility. After the facility walk through, the group returned to the conference room and began a review of records required to be maintained at the facility by regulation.

All hazardous wastes generated at the facility are a result of damaged products, returned products from customers, and other non-usable products such as aerosol cans. The facility does not operate any satellite accumulation areas. Five - Gallon buckets and plastic liners placed in cardboard boxes were used to hold all wastes. The containers were in good condition and properly labeled with no evidence of leaks.

Record Review

Record review followed the facility walk through. This included hazardous waste management plans and manifests. Being a new facility, there has been only one shipment of waste and hence just one manifest record for 2010 for review by inspectors. The manifest examined was properly completed but didn't have the returned copy from the disposal facility yet. In addition, there was no accompanying LDR documentation. Mr. Escudero indicated that he will contact the disposal facility for a copy and fax a copy to the Division as proof of receipt.

At the time of inspection, there were no records on file on facility's personnel training records, no postings of names, phone numbers of emergency coordinators or phone number of the fire department. All fire extinguishers at the facility were new and did not require annual inspection until next year. Mr. Escudero indicated that all plans and records required by regulation as well as postings of emergency information by communication equipment will be addressed immediately.

Compliance Status

R315-5 Hazardous Waste Generator Requirements

5-1 11 **Determination of Whether a Waste is a Hazardous Waste** OK

5-1 12 **Identification Numbers** OK

5-2 20 **Manifest** (Manifest #003487997 missing returned TSD copy)

5-3 30 **Packaging, Labeling, Marking, and Placarding** NA

5-3 34 1 **Accumulation Time** OK

Container Management OK

Tank Management NA

Preparedness and Prevention (To be completed immediately)

5-4 40 **Recordkeeping** (Not complete)

5-4 41 **Biennial Reporting** NA

5-4 42 **Exception Reporting** (Copy of Returned Manifest from Disposal Facility to be faxed to Division)

5-4 43 1 **Additional Reporting** NA

R315-7

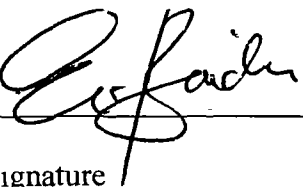
7-9 7 **Personnel Training** (No documentation on file)

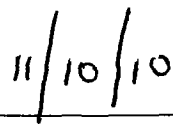
R315-9 Spill Response NA

R315-13-1 Land Disposal Restrictions

13-1 Land Disposal Restrictions (Copy to be requested from TSDF and faxed to Division)

R315-16 Standards for Universal Waste OK


Signature


Date

Eric Baiden, Team Leader

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Hazardous Waste Inspection – Small Quantity Generator Checklist

INSPECTION ITEM	CITATION	COMMENTS
<u>Waste Determination</u>		
Has the generator determined whether his solid waste is a hazardous waste?	R315-5-1 11 262 11	OK
Has a waste determination been made for each waste stream?	R315-2-3 262 3	OK
<u>Notification and EPA Hazardous Waste Identification Numbers</u>		
Has the generator notified of regulated activity and obtained an EPA ID#?	R315-5-1 12 262 12	OK
Has the generator offered his hazardous waste to a transporter or a treatment, storage, or disposal facility (TSDF) that does not have an EPA ID#?	R315-5-1 12 262 12	OK
<u>Manifest</u>		
Has the generator used the approved manifest form 8700-22 and 8700-22A for off-site transportation to a TSDF?	R315-5-2 20 (a) 262 20(a)	OK
Have all applicable sections of each manifest been filled out completely and legibly? (See attached manifest checklist)	R315-5-2	OK
Does the facility generate less than 1000 kg/month and use a contractual agreement to reclaim his waste?	R-315-5-2 20(e)(1) 262 20(e)	N/A
Have copies of the reclamation agreements been kept on file for at least three years after termination of the agreement?	R-315-5-2 20(e)(2) 262 20(e)	N/A
<u>Record Keeping</u>		
Is the generator maintaining signed copies of the manifests for three years?	R-315-5-4 40(a) 262 40(a)	OK
Is the generator maintaining records of test results or waste analyses for hazardous waste determinations for at least three years?	R-315-5-4 40(c) 262 40(c)	N/A
<u>Exception Reporting</u>		
Has the generator been required to prepare an Exception Report (if the TSDF does not return the generator's original copy of the manifest within 60 days)? If yes, the generator must submit a legible copy of the manifest to the Executive Secretary, with some indication that the confirmation of delivery to the TSDF has not been received	R315-5-4 42(b) 262 42(b)	Not yet received Still within 60 days time frame Facility to request copy
Has the generator kept a copy of each Exception Report for at least three years?	R315-5-4 40(b) 262 40(b)	N/A

Hazardous Waste Inspection – Small Quantity Generator Checklist

INSPECTION ITEM	CITATION	COMMENTS
<u>Packaging, Labeling, Marking, and Placarding</u> Are hazardous waste containers packaged, labeled, marked, and placarded in accordance with DOT 49 CFR prior to shipment?	R315-5-3 262 30, 262 31, 262 32, & 262 33	N/A
<u>Accumulation Time</u> Has the generator stored hazardous wastes on-site for longer than 180 days or 270 days (if the wastes are transported over 200 miles to a TSDF) without a permit?	R315-5-3 34 262 34(d) & 262 34(e)	N/A
Has the generator ever accumulated more than 6000 kg of hazardous waste on-site?	R315-5-3 34 262 34(d)(1)	N/A
The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container of hazardous waste	R315-5-3 34 262 34(d)(4) 262 34(a)(2)	OK
While being accumulated on-site each container and tank is labeled or marked clearly with the words, "Hazardous Waste"	R315-5-3 34 262 34(d)(4) 262 34(a)(3)	OK
Does the facility have at least one person on the premises or on call (available to reach the facility in a short period of time) with the responsibility for coordinating all emergency response measures This employee is the emergency coordinator	R315-5-3 34 262 34(d)(5) 262 34(d)(5)(i)	Yes
Has the generator posted the following information next to the telephone Name and phone number of emergency coordinator, Location of fire extinguishers, spill control material, and if present, fire alarm, and Telephone number of the fire department, unless the facility has a direct alarm	R315-5-3 34 262 34(d)(5) 262 34(d)(5)(ii)	Requirement to be fulfilled immediately
Does the generator ensure that all employees are thoroughly familiar with the hazardous waste handling and emergency procedures relevant to their positions?	R315-5-3 34 262 34(d)(5) 262 34(d)(5)(iii)	No documentation on file even though facility claims employees have been trained
Will the Emergency Coordinator or his designee be available to respond to any emergencies that arise Applicable responses are specified in 262 34(d)(5)(iv)	R315-5-3 34 262 34(d)(5) 262 34(d)(5)(iv)	No documentation. It is yet to be provided
<u>Use and Management of Containers</u> Are hazardous waste containers in good condition?	R315-5-3 34 262 34(d)(2) 265 171	OK

Hazardous Waste Inspection – Small Quantity Generator Checklist

INSPECTION ITEM	CITATION	COMMENTS
Are the containers compatible with the hazardous waste?	262 34(d)(2) 265 172	OK
Are hazardous waste containers closed except when adding or removing waste?	262 34(d)(2) 265 173(a)	OK
Containers must not be opened, stored or handled in a way that may cause them to rupture or leak hazardous waste	262 34(d)(2) 265 173(b)	OK
Hazardous waste containers must be inspected weekly looking for unlabeled, leaking and deteriorated containers	262 34(d)(2) 265 174 -	No documentation. Requirement to be fulfilled immediately.
Incompatible wastes must not be stored in the same containers	262 34(d)(2) 265 177(a)	OK
Are hazardous wastes placed in containers that previously held an incompatible waste?	262 34(d)(2) 265 177(b)	N/A
Are incompatible hazardous wastes containers separated from incompatible wastes by means of a dike, berm, wall, or other device?	262 34(d)(2) 265 177(c)	N/A
<u>Preparedness and Prevention</u>	R315-5-3 34	
Is the facility maintained and operated in a way to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste	262 34(d)(4) 265 31	Yes
Does the facility have the following equipment unless the wastes stored do not pose the hazards that the equipment is designed to respond to internal communications or alarm capable of providing immediate emergency instructions (voice or signal) to facility personnel, a device capable of summoning outside emergency equipment (such as a telephone or a direct line to the fire department), portable fire extinguishers, fire control equipment, spill control equipment, decontamination equipment, water at adequate pressure and volume to supply fire fighting needs	262 34(d)(4) 265 32	Yes But does not have required posting in place yet. Requirement to be fulfilled immediately
Does the facility must maintain and test, where necessary, all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment to assure proper operation when needed	262 34(d)(4) 265 33	Yes But no documentation on site Requirement to be fulfilled immediately

Hazardous Waste Inspection - Small Quantity Generator Checklist

INSPECTION ITEM	CITATION	COMMENTS
Do facility personnel have immediate access to an alarm or emergency communication device whenever hazardous waste is handled and if there is ever just one employee on the premises during facility operation, does he have immediate access to a device (telephone or two-way radio) capable of summoning external emergency assistance?	262 34(d)(4) 265 34	Yes
Does the facility maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment?	262 34(d)(4) 265 35	Yes
Has the facility attempted to make arrangements with local fire, police, emergency response teams, and hospitals to respond to emergency situations? The facility must document any refusal to enter into such arrangements	262 34(d)(4) 265 37	Facility opened for the first time in process of notifying authorities
<u>Spill Response</u> Take appropriate action to minimize threats to human health and the environment by notifying the Utah Department of Environmental Quahy at (801) 536-4123 if more than 1 kg of acutely hazardous waste, 100 kg of hazardous waste or material which when spilled becomes a hazardous waste, or 25 gallons of used oil Provide information as required	R315-9 R315-9-1	OK
Notify and report to the National Response Center, at 800-424-8802, if required	R315-9-1 1	OK
Provide a written report including all information required in R315-9-4 to the Executive Secretary within 15 days after any spill of hazardous waste or material which becomes a hazardous waste when spilled and is reported under R315-9-1	R315-9-4	OK
<u>Land Disposal Restrictions (LDR)</u> Is the facility managing and treating hazardous waste to meet Land Disposal Restriction standards found at 268 40 The generator must also develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards The waste analysis plan must be based on a chemical and physical analysis of a representative sample of the waste being treated Such plans must be kept in the facility's on-site files and available to inspectors Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of 268 7(a)(3)	R315-13-1 262 34(d)(4) 268 7(a)(5)	

Hazardous Waste Inspection – Small Quantity Generator Checklist

INSPECTION ITEM	CITATION	COMMENTS
If the hazardous waste meets the treatment standard at the original point of generation, with each initial shipment of waste or if the waste changes, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and keep a copy in the file. The notice must include the information included in column "268 7(a)(3)" in the Table in 268 7(a)(4)	262 34(d)(4) 268 7(a)(5) 268 7(a)(3)	N/A
Does the facility maintain an assessment of LDR status on file for each hazardous waste generated at the facility	R315-13-1 268 7(a)	Facility will contact Clean Harbors for a copy and notify DSHW
A notice and certification that each hazardous waste is either not land disposal restricted, or if it is restricted, that it is land disposable after treatment, must accompany the original manifested shipment of hazardous waste or when the waste stream changes	R315-13-1 268 7(a)	11
Maintain all LDR documentation for at least three years from the date the hazardous waste was shipped off-site	R315-13-1 268 7(a)(8)	First Hazardous waste shipment for site
<u>Standards for Universal Waste Management</u> High mercury containing lamps must be recycled or disposed of as hazardous waste. Any broken lamps must be disposed of as a hazardous waste. Do not dispose of high mercury containing lamps in the regular trash or dumpster	R315-16 R315-16-2	N/A
Container of mercury containing lamps must be closed and labeled "Universal Waste Lamps", "Waste Lamps", or "Used Lamps"	R315-16-2	N/A
Universal waste lamps should not be accumulated for longer than one year	R315-16-2	N/A
Are rechargeable batteries recycled or managed as a hazardous waste, kept in a closed container labeled "Universal Waste Batteries", and not accumulated for longer than one year	R315-16-2	N/A

Hazardous Waste Inspection – Small Quantity Generator Checklist

INSPECTION ITEM	CITATION	COMMENTS
<u>Manifest Number (box)</u>	# <u>003487997</u> #	#
<u>Generator EPA ID #</u>		
<u>R315-5-2 (box 1</u>	OK	
<u>Generator information</u>		
<u>Mailing Address (box 5)</u>	OK	
<u>Phone number</u>		
<u>Transporter #1 information</u>		
<u>Company Name (box 6)</u>	OK	
<u>EPA ID# (box 6)</u>		
<u>Transporter #2 information</u>		
<u>Company Name (box 7)</u>	N/A	
<u>EPA ID # (box 7)</u>		
<u>Designated Facility information</u>		
<u>Name and Address (box 8)</u>	OK	
<u>EPA ID # (box 8)</u>		
<u>Phone Number (box 8)</u>		
<u>Waste shipping requirements</u>		
<u>DOT Description (including proper name, Hazard class and ID#)</u>	OK	
<u>(box 9b)</u>		
<u>(box 9a "X" if hazardous materials)</u>	OK	
<u>Containers No & Type (box 10)</u>	OK	
<u>Total Quantity (box 11)</u>	OK	
<u>Unit – Wt/Vol (box 12)</u>	OK	
<u>Waste Codes (box 13)</u>	OK	
<u>Special Handling Instructions (box 14)</u>	OK	
<u>Manifest Certifications</u>		
<u>Generator's Signature (box 15)</u>	OK	
<u>International Shipments (box 16)</u>	N/A	
<u>Transporter's Signature (box 17)</u>	OK	
<u>Discrepancy Indication (box 18)</u>	OK	
<u>Hazardous Waste Report Management Method Codes (box 19)</u>	OK	
<u>Facility Signature (box 20)</u>	First Initial copy	
<u>Final Observations and Comments</u>		

Hazardous Waste Inspection – Small Quantity Generator Checklist

INSPECTION ITEM	CITATION	COMMENTS
<u>Requirements for SOGs that Accumulate Hazardous Waste in Tanks</u>	262 34(d)(3) 265 201	
A generator may accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and may not accumulate over 6,000 kg on-site at any time	R315-5-3 34 262 34(d)(3) 265 201(a)	
Treatment or storage of hazardous waste in tanks must not generate extreme heat or pressure, fire or explosion, or violent reaction, produce toxic mists, fumes, dusts, or gases, produce uncontrolled flammable fumes or gases, damage the device or facility containing the waste, or threaten human health or the environment	R315-5-3 34 262 34(d)(3) 265 201(b)(1)	N/A
Hazardous waste or treatment reagents must not be placed in a tank if it could cause it to fail	R315-5-3 34 262 34(d)(3) 265 201(b)(2)	N/A
Uncovered tanks must have 2 feet of freeboard, unless the tank has a containment structure that equals or exceeds the volume of the top 2 feet of the tank	R315-5-3 34 262 34(d)(3) 265 201(b)(3)	
If hazardous waste is continuously fed into a tank, the tank must be equipped to the inflow (waste feed cutoff or bypass system to stand-by tank)	R315-5-3 34 262 34(d)(3) 265 201(b)(4)	
Small Quantity Generators that store hazardous waste in tanks must inspect, where present	262 34(d)(3) 265 201(c)	
Discharge control equipment at least once each operating day to ensure good working order	262 34(d)(3) 265 201(c)(1)	
Data from monitoring equipment at least once each operating day to ensure that the tank is operated to its designs	262 34(d)(3) 265 201(c)(2)	
The level of the waste in the tank at least once each operating day to ensure compliance with freeboard, if required	262 34(d)(3) 265 201(c)(3)	
The tank construction materials at least weekly to detect corrosion or leaking seams or fixtures	262 34(d)(3) 265 201(c)(4)	
The construction and surrounding area of discharge confinement structures at least weekly to detect erosion or signs of leakage	262 34(d)(3) 265 201(c)(5)	